IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

WP(C).No. 4532 of 2007(M)

PETITIONER:

MRS. MARY K.V.,
AGED 46 YEARS, W/O.JOSEPH EDWARD,
CHERUKAD HOUSE, EDATHUA VILLAGE, ALAPPUZHA DIST.

BY ADV. SRI.P.JAYAKUMAR

RESPONDENTS:
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1. **THE KERALA FINANCIAL CORPORATION,**
   REPRESENTED BY ITS MANAGING DIRECTOR, HEAD OFFICE,
   THIRUVANANTHAPURAM.

2. **THE DISTRICT MANAGER, K.F.C. DISTRICT**
   OFFICE, KUMARANASAN SMARAKA MENADIRAM, COURT ROAD,
   ALAPPUZHA.

3. **BRANCH MANAGER,**
   K.F.C. BRANCH OFFICE, ALAPPUZHA.

4. **THE DY.TAHSILDAR (R.R.),**
   K.F.C. ALAPPUZHA.

5. **THE VILLAGE OFFICER,**
   EDATHUA VILLAGE, EDATHUA.

BY GOVERNMENT PLEADER SMT. N. SUDHADEVI
BY ADV. SRI. V.B. UNNIRAJ, SC, KFC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

WP(C).No.4532 of 2007-M

Dated this the 26th day of February, 2007.

JUDGMENT

The petitioner is a co-obligant in relation to a loan availed of by his mother-in-law who is in default to the Kerala Financial Corporation. To realise the amount due, the K.F.C. has published Ext.P1 notice to sell the property of the petitioner in public auction. The sale originally notified to be held on 28-1-2007 was adjourned to 12-2-2007, by Ext.P3. The petitioner has submitted Ext.P2 representation praying to extend her the benefit of one-time-settlement scheme. Thereafter the writ petition is filed challenging Exts.P1 and P3 and seeking consequential reliefs.

2. The learned Standing Counsel for the K.F.C. submitted that the sale notified on 12-2-2007 did not take place. He also pointed out that the present rules prevailing for extending the benefit of OTS scheme is that the applicant should pay 10 percent of the amount outstanding and file a proper application pointing out the amount for which the defaulter is willing to settle the claim.

In view of the above submission, if the petitioner submits an application for O.T.S. facility with a concrete proposal regarding the amount which she is willing to pay, within two weeks from today and

also pays 10 percent of the amount outstanding, the K.F.C. will consider and pass orders on the application, within one month from the date of receipt of that application. If the application is filed within two weeks from today and the amount is remitted as directed above, further recovery steps will be kept in abeyance till the K.F.C. takes a decision as directed above.

The writ petition is disposed of as above.

K.BALAKRISHNAN NAIR,
JUDGE.

MS